

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LAMONT DARRELL ROBINSON,

Petitioner,

Case Number: 2:13-CV-13250

v.

HON. LAWRENCE P. ZATKOFF

KENNETH MCKEE,

Respondent.

OPINION AND ORDER DISMISSING PETITION FOR WRIT OF HABEAS CORPUS

The petitioner, Lamont Darrell Robinson, is in state custody at the Bellamy Creek Correctional Facility in Ionia, Michigan. He has filed a *pro se* petition for a writ of habeas corpus under 28 U.S.C. § 2254, challenging his convictions for first-degree felony murder and felony firearm, obtained in the Wayne County Circuit Court. The Court finds that the petition is duplicative of another case pending in this District and, therefore, dismisses the complaint.

Approximately one week before filing this petition, Petitioner filed a habeas corpus petition. That earlier-filed petition challenges the same 1993 convictions of first-degree felony murder and felony firearm, challenged in the pending matter. The earlier-filed petition was assigned to the Honorable John Corbett O'Meara. *See Robinson v. McKee*, No. 5:13-cv-13145. That petition is identical to the petition filed in the pending matter and assigned to the undersigned district judge.

“[A] suit is duplicative if the claims, parties, and available relief do not significantly differ between the two actions.” *Serlin v. Arthur Andersen & Co.*, 3 F.3d 221, 223 (7th Cir. 1993) (internal quotation marks and citations omitted). A district court may dismiss a habeas petition when it is duplicative of a pending habeas petition. *See Davis v. U.S. Parole Commission*, No. 88-5905, 1989

WL 25837 (6th Cir. 1989); *Marks v. Wolfenbarger*, No. 2:06-cv-14325, 2006 WL 2850340, *1 (E.D. Mich. Oct. 3, 2006) (Edmunds, J.) (same); *Fuson v. Harry*, No. 06-13211-BC, 2006 WL 2421639, *1 (E.D. Mich. Aug. 22, 2005) (Lawson, J.) (same). This petition is duplicative of the earlier-filed petition and shall be dismissed.

Accordingly, IT IS ORDERED that the complaint [dkt. #1] is DISMISSED WITHOUT PREJUDICE.

S/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

DATED: August 12, 2013